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TL 2/21/03

PATENT
ATTORNEY DOCKET NO.: KCX-316(15606)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)	
Joseph G. Capizzi)	Examiner: M. Halpern
)	
Serial No.: 10/007,627)	Group Art Unit: 1731
)	
Filed: November 8, 2001)	Conf. No.: 9974
)	
Title: Foam Treatment of Tissue Products)	Deposit Account No.: 04-1463

Commissioner for Patents
Washington, D.C. 20231

RESPONSE

Dear Sir:

In response to the Office Action dated January 3, 2003, favorable reconsideration and allowance of the present application are respectfully requested.

In the Office Action, election of a single species was required because the application was said to contain claims directed to three (3) patentably distinct species, namely the species shown in Figs. 3, 3a, and 3b. Applicant responds with traverse because all claims are generic. See MPEP §806.04(d). For instance, Figs. 3, 3a, and 3b illustrate various configurations of the foam applicator. However, claims 1-31 read on all of these configurations, and thus, read on all three (3) species identified in the Office Action. Nonetheless, Applicant provisionally elects the species shown in Fig. 3 and notes that all claims 1-31 read on this species.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner M. Halpern is invited

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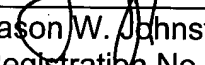
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and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,

DORITY & MANNING, P.A.



Jason W. Johnston
Registration No. 45,675

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Date: 2/3/03

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FEB 10 2003
U.S. PATENT & TRADEMARK OFFICE

Inventor: Joseph G. Capizzi

Serial No.: 10/007,627

Filed: November 8, 2001

Confirmation No.: 9974

Title: Foam Treatment of Tissue Products

Group Art Unit: 1731

Examiner: M. Halpern

Our Account No.: 04-1403

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

RESPONSE

This is a response/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

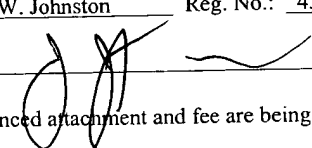
Claims remaining after amendment	Highest number previously paid for	Present Extra	Additional Fee
Total Effective Claims	minus	=	\$ 0.00
Independent Claims	minus	= 0	\$ 0.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$270.00 (per application)			\$ 0.00
Since Official Action set an <u>original</u> due date of <u>N/A</u>			
PETITION is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$410; 3 months \$930; 4 months \$1450)			\$ 0.00
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)			\$ 0.00
SUBTOTAL:			\$ 0.00
If "small entity" verified statement filed [] previously, [] herewith, enter one-half (1/2) of subtotal and <u>subtract</u>			\$ 0.00
TOTAL:			\$ 0.00
Other:			\$ 0.00
TOTAL FEE ENCLOSED:			\$ 0.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:
Post Office Box 1449
Greenville, South Carolina 29602
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING
ATTORNEYS AT LAW, P.A.

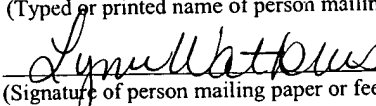
By: Jason W. Johnston Reg. No.: 45,675 Date: 2/3/03

Signature: 

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231, on February 3, 2003.

Lynn Watkins

(Typed or printed name of person mailing paper or fee)


(Signature of person mailing paper or fee)